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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,689	07/09/2003	Robert L. Doubler	2131.000019	8552
7590 09/21/2005 Michael A. Slavin McHale & Slavin, P.A. 2855 PGA Blvd. Palm Beach Gardens, FL 33410			EXAMINER REESE, DAVID C	
			ART UNIT 3677	PAPER NUMBER

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/618,689

Applicant(s)

DOUBLER ET AL.

Examiner

David C. Reese

Art Unit

3677

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


ROBERT J. SANDY
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because:

In both columns 3 and 4 of Garman, beginning with lines 49 and 9 respectively, it is stated that, "the compression ring 44 could be a one piece design instead of two half shells." Further, regardless of whether the compression ring maintains a one or two-piece design, the fact remains that the compression ring does indeed apply compression to the shear ring. The definition of "compress" as defined by dictionary.com is: "to press together." As shown by Garman in going from Figs. 3 to 4, it is shown that the compression member 44 from Fig. 3 is moved downward to compress (press) against the shear ring 42 best shown in Fig. 4. Thus, in the instant case, there is compression between the two members at 68, then 62. According to dictionary.com once again, the definition of tensile is "of or relating to tension; capable of being stretched or extended." Though the definition of tensilely loaded may be interpreted differently then applicant, it must be known that the claims are what define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064. Furthermore, such a case does not alter the conclusion that its use in a prior art device would be prima facie obvious from the purpose disclosed in the reference." In re Lintner, 173 USPQ 560.

In addition, Garman speaks in columns 1 and 2, beginning with line 60 is that, "a method is provided for applying a preload force to a fastener assembly..." The compression ring in the case of Garman is caught between the forces of the external force being applied to the compression ring and that in opposition to the force holding the hollow cylindrical pin in abutment with one member. By the very nature of the external force applying said force onto the compression member, the collet member is thus compressed, immediately compressing that of the shank of the cylindrical pin; the extent of which stems from the compression ring having the capacity to provide loading to each component during the engaged position.

The example of Cabahug was to provide or show of the use of threaded members being movable to one another by means of their threaded structure, and that such elements are considered art recognized equivalents, it being obvious, therefore, for one of ordinary skill in the exercise art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

Also, the ribbed surface of 87 in Cabahug does indeed compress, indirectly, that of the mounted threaded element 82 via 70 in Fig. 2 of Cabahug, though it is better illustrated if the ribbed surface of 87 (compression ring) compresses that of 84 (64) (collet member) by means of the threads of 90 as shown in Fig. 9 and discussed in col. 3, line 55. Furthermore, as stated above briefly, it is an art recognized equivalent to provide a connection for possible force or movement transfer between two members by the use of threads on said members. Substituting the internal thread of 87 of Cabahug for the inside of 44 in Garman will merely provide additional means for the compression member to move down onto of the shear ring member or apply a force with a threaded movement between, instead of just sliding down (as currently shown by Garman), as the results of such a movement will provide the same result; that is, of engaging a shank member via the use of both a compression ring and a collet member.